

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)
(Consolidated Action)

**UNOPPOSED MOTION OF VEASEY-LULAC PLAINTIFFS
TO ORDER PAYMENT OF EXPERT WITNESS EXPENSES
RESULTING FROM ERRONEOUS DATA DISCLOSURES**

The Veasey-LULAC Plaintiffs respectfully move this Court for an order requiring Defendants to pay expenses incurred by one of Plaintiffs' experts as a result of errors by Defendants in making their initial data disclosures. Pursuant to Local Rule 7.2, counsel for Veasey-LULAC Plaintiffs contacted counsel for Defendants. Defendants have indicated that they do not oppose this motion.

As a result of DPS's erroneous initial data production—or, as Defendants' former counsel (Mr. Scott) consistently called it, DPS's data "snafu," *see, e.g.*, Trial Tr. 24:1 (Day 8)—Veasey-LULAC expert Dr. Michael Herron had to revise his expert report, incurring additional expenses. At a district court hearing on the record, Defendants' counsel agreed that, pending receipt of an invoice outlining the specific amount requested, the state should pay Dr. Herron's expenses resulting from the data snafu, and the state has informed the Veasey-LULAC Plaintiffs that it continues to take this position.

Dr. Herron was forced by Defendants' error to spend 17.75 hours amending his expert report. Dr. Herron's hourly rate for this sort of work, \$400, is reasonable for an expert of his experience and qualifications, particularly given the short timeframe in which this work was to be completed and the lack of advance notice that this work would be necessary. Thus, Defendants should be directed to reimburse Dr. Herron for 17.75 hours at \$400 per hour: a total of \$7,100.00. Moreover, as a result of the data "snafu," Dr. Herron incurred \$161.03 in computer and shipping expenses. Thus, this Court should enter an order requiring Defendants to pay Dr. Herron a total of \$7,261.03. *See* Ex. A (Herron amended report invoice and receipts).

WHEREFORE, the Veasey-LULAC Plaintiffs respectfully pray that this Court grant this unopposed motion ordering Defendants to pay these fees, and enter the attached Order with respect to such motion.

Date: January 22, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2015, I served a true and correct copy of the foregoing via the Court's ECF system to all counsel of record.

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EXHIBIT A

Michael C. Herron

INVOICE

Account: Texas ID 2014
Invoice Date: August 26, 2014

Account summary

Consulting services (17.75 hours at \$400.00/hour):	\$7100.00
Four 8GB USB flash drives:	\$28.00
Fedex mailing charge:	\$133.03
<i>Amount Due</i>	<i>\$7261.03</i>

Summary of hours worked by Michael C. Herron

- 8/7/2014. Received data; input data; discussions with Emma; mysql coding. 4.0 hours.
- 8/8/2014. Mysql coding; data processing; short discussions with Emma; re-run all queries for DOJ sweeps. 4.0 hours.
- 8/9/2014. Complete re-run of plaintiff algorithm including racial analysis. Start re-running queries for defendant algorithm. 2.0 hours.
- 8/10/2014. Complete Texas re-run; start on declaration; mysql work; deal with "unique m" and re-run DOJ queries. 3.0 hours.
- 8/11/2014. Declaration work. 1.5 hours.
- 8/12/2014. Declaration work, discussion with Emma, editing. 1.25 hours.

- 8/13/2014. Initial data production on USB keys. 0.5 hours.
- 8/13/2014. Final data production on USB keys, including non-match lists. Bring to fedex in Lebanon and send. 1.5 hours.